

## **CITY COUNCIL RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD APPROVING A GENERAL PLAN AMENDMENT (GPA 17-001) TO (1) MODIFY THE LOCATION OF TWO SEPARATE 'PARK' AREAS ON THE PROJECT SITE, AND (2) AMEND THE CIRCULATION ELEMENT AS TO THE REQUIRED CONFIGURATION OF SAN JOSE AVENUE FOR THE BRIDLE GATE PROJECT, LOCATED GENERALLY WEST OF THE SAND CREEK ROAD AND THE STATE ROUTE 4 INTERCHANGE (APNs 019-082-007 and 019-110-076).**

**WHEREAS**, Discovery Builders, Inc., (the "Permittee") submitted an application to the City of Brentwood requesting approval of a General Plan amendment (GPA 17-001) to (1) modify the location of two separate 'Park' areas, (2) amend the Circulation Element as to the required configuration of San Jose Avenue, and (3) change the land use designation for 13.98 acres of the 137.3-acre project site from 'Regional Commercial' to 'Planned Development' in order to allow up to 258 multi-family residential units; and

**WHEREAS**, the Permittee concurrently submitted a request for a development agreement (DA 19-001), a rezone (RZ 17-004), a vesting tentative subdivision map (VTSM 8506), a design review for the single-family parcels (DR 17-007), and a design review for the multi-family apartments (DR 17-008) (collectively, along with GPA 17-001, the "Original Project"); and

**WHEREAS**, the Project is proposed to be located on a roughly 137 acre site bounded by Old Sand Creek Road to the north, State Route 4 to the east, a single-family residential development (Brentwood Hills) to the south, and the edge of the Brentwood Planning Area and the City of Antioch's city limits to the west, with a small segment of existing San Jose Avenue bounding the site at its farthest southeastern corner (the "Project Site"); and

**WHEREAS**, the City referred the Original Project to various departments and agencies for review and recommendations; and

**WHEREAS**, the Planning Commission was scheduled to hold a public hearing on the Original Project at its regular meeting of August 18, 2020. However, that day, the California Independent System Operator declared a Stage 2 Emergency and issued notice that a power outage may be necessary beginning at 7:00 p.m. that night in Brentwood. These events led to the Permittee and the City jointly requesting a continuance of the hearing, and voted the Planning Commission voted to continue the public hearing to its meeting of September 1, 2020; and

**WHEREAS**, the Planning Commission held a public hearing on the Original Project at its regular meeting of September 1, 2020, and voted to recommend that the City Council not approve the Original Project, including General Plan Amendment No. 17-001; and

**WHEREAS**, the City Council was scheduled to hold a public hearing at a special meeting on September 15, 2020, to consider the Original Project, but on that day, the Permittee requested that consideration of the Original Project be taken off calendar, and instead be heard by the City Council on February 9, 2021; and

**WHEREAS**, prior to the City Council's scheduled hearing on the Original Project, the Permittee modified its application by:

1. Revising its request for approval of GPA 17-001, by withdrawing its previous request to change the land use designation of a roughly 14-acre parcel to allow for the development of multi-family uses;
2. Revising its request for approval of RZ 17-004, by withdrawing its previous request to rezone a portion of the Original Project site to allow for multi-family uses;
3. Revising its request for approval of DA 19-001 by removing previous references to multi-family uses;
4. Revising its request for approval of VTSM 8506 by removing a roughly 14 acre portion of the Original Project site from the map, and instead labeling that area as a 'Remainder Parcel;' and
5. Withdrawing its request for approval of DR 17-008; and

**WHEREAS**, collectively, with the modifications noted above, DA 19-001, GPA 17-001, RZ 17-004, VTSM 8506, and DR 17-007 now constitute the "Project," and

**WHEREAS**, as a result of the Project modifications noted above, the City and the Permittee agreed to move the City Council hearing previously scheduled for February 9, 2021, to March 9, 2021, in order to process the modifications; and

**WHEREAS**, the City distributed a Notice of Public Hearing for the Project to all property owners of record within 300 feet of the Project Site and published it in the Brentwood Press on February 26, 2021, and the Permittee posted the Site with the required signage in accordance with City policies and Government Code Section 65090; and

**WHEREAS**, the City Council held a public hearing on this project at its regular meeting of March 9, 2021, to consider the Project, including this General Plan Amendment application and considered the staff report, supporting documents, public testimony, and all appropriate information submitted with the proposed Project and studied the compatibility of this request with adjacent land uses; and

**WHEREAS**, the City prepared a Final Environment Impact Report (FEIR), including an Initial Study, and Mitigation Monitoring and Reporting Plan for the Project in accordance with the California Environmental Quality Act ("CEQA," codified at Public Resources Code Section 15000, *et seq.*, and as further governed by the State CEQA Guidelines, found at 14 CCR 21000, *et seq.*), and determined that no revisions to the FEIR were necessary to consider or approve the Project; and

**WHEREAS**, at its March 9, 2021 meeting, the City Council made a determination that the FEIR adequately identified and studied the Project's impacts, certified the Final Environmental Impact Report and adopted Findings of Facts and a Statement of Overriding Considerations and a Mitigating Monitoring and Report Plan through adoption of a resolution.

**NOW, THEREFORE BE IT RESOLVED**, on the basis of the project materials, the staff report and all attachments, written and oral testimony and comments and all other information presented, that the City Council of the City of Brentwood:

A. Hereby finds that with respect to the criteria set forth in the Brentwood General Plan for General Plan amendments:

1. *The amendment is deemed to be in the public interest.*

The amendment is found to be in the public interest as:

- a. Division and relocation of 'Park' area into two 'Park' areas relocated on the Project Site. The division of approximately four acres of land designated 'Park' into two separate 'Park' areas and the relocation of those 'Park' areas within the Project Site will allow for the siting of parks close to the neighborhoods they will serve.
- b. San Jose Avenue reconfiguration. The modification of General Plan Circulation Element Figure CIR-1 will allow San Jose Avenue to be extended and configured in such a fashion as to connect San Jose Avenue with a new intersection where it meets Sand Creek Road, which will also be extended. This reconfiguration will serve the public interest by facilitating the improvement of the City's circulation system in such a way as to effectively accommodate vehicular and non-vehicular traffic, and allow for travel across the Project Site to the new Sand Creek Road extension.

2. *The amendment is consistent and/or compatible with the rest of the General Plan.*

The proposed General Plan amendment is consistent and compatible with the rest of the General Plan inasmuch as:

- a. Division and relocation of 'Park' area into two 'Park' areas relocated on the Project Site. General Plan Policy LU 4-4 provides "Site new park and recreation facilities where they will be accessible by the City's pedestrian and bicycle network and in close proximity to medium and higher density residential uses, where appropriate." Allowing the existing areas designated as 'Park' to be split and relocated across the Project Site would facilitate this policy of siting new park facilities closer to users throughout the Project Site.
- b. San Jose Avenue reconfiguration. General Plan Policy CIR 1-2 provides "Ensure that the City's circulation network is a well-connected system of streets, roads, highways, sidewalks, and paths that effectively accommodates vehicular and non-vehicular traffic in a manner that considers the context of surrounding land uses and the needs of all roadway users." Allowing for the reconfiguration and improvement of San Jose Avenue, as proposed, would effectively accommodate vehicular and multi-modal traffic in a manner that reflected the context of the surrounding residential and (potentially) school land uses and the needs of operators of vehicles, pedestrians, and bicyclists.

3. *The potential impacts of the amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The Project is required to comply with the Noise Element in that construction activities will be regulated to the allowable hours, and noise sources will be required to mitigate sound. Compliance with the Safety Element would be achieved through seismically-sound construction designs and practices, as well as the construction of building pads outside of the flood zone.

4. *The amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

The requested amendments to the General Plan have been reviewed per the requirements of CEQA through the preparation of a Draft and Final EIR, and the Planning Commission recommended certification of said FEIR and adoption of Findings of Facts and a Statement of Overriding Consideration and Mitigating Monitoring and Report Plan

to the City Council through adoption of Resolution No. \_\_\_\_\_. Likewise, the amendment has been processed in accordance with the applicable provisions of the California Government Code.

B. Hereby approves General Plan Amendment No. 17-001:

1. Division and relocation of 'Park' area into two 'Park' areas relocated on the Project Site. Amending the land use designation and modifying General Plan Land Use Map (Figure LU-1) as shown on Exhibit 'A' attached to this resolution to divide and relocate the area currently designated 'Park' on the Project Site into two separate 'Park' areas totaling 4.3 acres, as shown on Exhibit 'A' attached hereto.
2. San Jose Avenue reconfiguration. Modifying the Circulation Element of the General Plan to reflect that San Jose Avenue will no longer extend westward to connect with Hillcrest Avenue in Antioch, but rather will extend northward terminating at its intersection with Sand Creek Road, as extended, and modifying Figure CIR-1 within the Circulation Element to reflect this change as shown on Exhibit 'B' attached hereto.

**ADOPTED** by the City Council of the City of Brentwood at its regular meeting of March 9, 2021, by the following vote:



**EXHIBIT "B" TO  
CITY COUNCIL RESOLUTION  
FIGURE CIR-1 – CIRCULATION DIAGRAM**

